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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/759,445 | 01/14/2004 | Eric R. Soldan | MS1-1790US | 7839 |

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| EXAMINER | |
|---|---|
| QUELER, ADAM M | |

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/759,445 | SOLDAN ET AL. | |
| | Examiner | Art Unit | |
| | ADAM M. QUELER | 2178 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *18 July 2007*.

2a)☒ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1,3-10,12-22 and 24-41* is/are pending in the application.

4a) Of the above claim(s) *17-21 and 26-40* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-10,12-16,22,24,25 and 41* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *15 June 2007* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## DETAILED ACTION

1. This action is responsive to communications: RCE filed 07/18/2007, Amendment filed 06/15/2007.

2. Claims 1, 3-10, 12-16, 22, 24-25 and 41 are elected and pending in the case. Claims 1, 10, and 22 are elected independent claims.

3. The rejection of claims 9-10 and 12-16 under §101 is withdrawn in view of Applicant's amendment.

### *Election/Restrictions*

4. Claims 17-21 and 26-40 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 7/12/2006.

### *Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

**7. Claims 1,3-5,7-10,12,13,15,16,22,24-25 and 41 rejected under 35 U.S.C. 103(a) as being unpatentable over Blair et al. (US 20040133855 A1, 7/8/2004), and further in view of W3Schools.com, "CSS Pseudo-Classes".**

**Regarding independent claim(s) 1**, Blair discloses compiling formatted video content (XHTML and stylesheets, para. 28) into a serialized binary format (para. 7, binary code) that includes layout aspects of the formatted video content (para. 28).

Blair discloses the formatted video content includes a markup language (para. 7). Blair teaches the process is specific to XML (para. 16). Blair teaches that a process that is specific to a predetermined client is used (para. 38). Blair teaches the process renders the video content in the serialized binary format so as to be consistent with the original markup language (para. 36).

Blair teaches that CSS is used in the markup language to be processed (para. 28), but does not explicitly disclose what specific selectors are used. W3Schools discloses CSS that select an element by pseudo-class (whole document). It would have been obvious to one of ordinary skill in the art at the time of the invention for Blair to process document with pseudo-class selectors, because pseudo-class selectors were a common element of the standard (W3schools, p. 4) of the standard known to be in documents processed by Blair (para. 28). The use of these selectors would also have enabled more flexibility in formatting pages (W3Schools, p. 1, line 1).

**Regarding independent claim(s) 10**, Blair discloses capturing a presentation result of processed video content (XHTML and stylesheets, para. 28) and creating a serialized binary format (para.

7, binary code). Additionally Blair teaches that the invention is for optimized layout of the original web page. Therefore, inherently, in the normal course of operation Blair will present all the original features of the original web page such as layout, rendering, UI interaction, and dynamic aspects.

Blair discloses the formatted video content includes a markup language (para. 7). Blair teaches the format is specific to XML (para. 16). Blair teaches a specific embodiment where only one type of client is used (para. 20). Therefore, the process of that embodiment is specific to that client as it is the only one it contemplates using. Blair teaches the process renders the video content in the serialized binary format so as to be consistent with the original markup language (para. 36).

**Regarding independent claim(s) 22**, Blair discloses compiling formatted video content (para. 15, information stream, data files) into a serialized binary format (para. 7, binary code) that includes layout aspects of the formatted video content (para. 28). Blair discloses storage for the content (para. 23) and the server does the compilation (para. 22). Blair teaches that the invention is for optimized layout of the original web page. Therefore, inherently, in the normal course of operation Blair will present all the original features of the original web page such as layout, rendering, UI interaction, and dynamic aspects.

Blair discloses the formatted video content includes a markup language (para. 7). Blair teaches the format is specific to XML (para. 16). Blair teaches a specific embodiment where only one type of client is used (para. 20). Therefore, the process of that embodiment is specific to that client as it is the only one it contemplates using. Blair teaches the process renders the

video content in the serialized binary format so as to be consistent with the original markup language (para. 36).

**Regarding dependent claim(s) 3**, Blair teaches the formatted video content includes source content in one or more language (para. 7). Blair teaches an email format (para. 15).

**Regarding dependent claim(s) 4, 12**, Blair teaches translating the content in the serialized binary format with DOM into a DOM hierarchy corresponding to the original content (para. 36).

**Regarding dependent claim(s) 5, 13**, Blair teaches that the invention is for optimized layout of the original web page. Therefore, inherently, in the normal course of operation Blair will present all the original features of the original web page such as layout, rendering, UI interaction, dynamic aspects, form elements, scrolling, navigation and event handling.

**Regarding dependent claim(s) 7, 15, 25**, Blair teaches XHTML with CSS (para. 32).

**Regarding dependent claim(s) 8, 16**, Blair does not explicitly the contents of the web pages that it processes. Official Notice is given that web pages at the time of the invention commonly contained translated words. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use Blair to process web pages with translated word because it would have been desirable to make Blair able to process commonly occurring web pages. As described in claim 1 above Blair would convert content along with those words in to the serialized binary format.

**Regarding dependent claim(s) 9**, the computer readable medium for performing the method of claim 1 is rejected under the same rationale.

**Regarding dependent claim(s) 24**, Blair teaches cable (para. 5).

**Regarding dependent claim(s) 41**, Blair teaches that CSS is used in the markup language to be processed (para. 28), but does not explicitly disclose what specific selectors are used. W3Schools discloses CSS that select an element by pseudo-class including links (p. 1). It would have been obvious to one of ordinary skill in the art at the time of the invention for Blair to process document with pseudo-class selectors, because pseudo-class selectors were a common element of the standard (W3schools, p. 4) of the standard known to be in documents processed by Blair (para. 28). The use of these selectors would also have enabled more flexibility in formatting pages (W3Schools, p. 1, line 1).

8. **Claims 6 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blair.**

**Regarding dependent claim(s) 6, 14**, Blair does not explicitly the contents of the web pages that it processes. Official Notice is given that web pages at the time of the invention commonly contained an inline image and shape in which they are to be placed. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use Blair to process web pages with shapes and images because it would have been desirable to make Blair able to process commonly occurring web pages. Blair does not specifically recite reflowing such elements consistent with a display resolution and size, however it would have been obvious to one of ordinary skill in the art at the time of the invention to do so as an object of Blair was to adapt the style to the specific display (para. 38), and used reflow to accomplish this goal (para. 55).

***Response to Arguments***

9. Applicant's arguments, filed 2/01/2008, with respect to the rejection(s) of claim(s) 1 et al. under §102 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Blair in view of W3Schools.

10. Applicant's arguments filed 2/1/2008 have been fully considered but they are not persuasive.

**Regarding Applicant's remarks on claim 8:**

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "localization dictionary") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

11. The remaining arguments rely on, or duplicate arguments that have been addressed above.

***Conclusion***

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ADAM M. QUELER whose telephone number is (571)272-4140. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Stephen S. Hong/
Supervisory Patent Examiner, Art Unit 2178

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